IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 25626 of 1995

Between:

1 S. Laxminarayana S/o. Aduvaiah
Patalnagar. Nampally Road,
Hyderabad.
2 K. Balaiah S/o. K.Narsaiah
Patelnagar, Nampally Road,
Hyderabad.
3 Smt.K.Rajamma W/o. K.Balaiah
Patelnagar, Nampally Road,
Hyderabad
4 S.Venkateshwarloo S/o. Laluram
Patelnagar, Nampally Road,
Hyderabad. (L.R. of S.Balamani)
5 Smt. T.Laxminarsamma W/o. T.Lakshmaiah
Patelnagar, Nampally Road,
Hyderabad.
6 P. Arjun Rao S/o. Raja Ram
Patelnagar, Nampally Road,
Hyderabad.
7 P. Anjaiah Chary S/o. P.Kistaiah
Patelnagar, Nampally Road, Hyderabad.
8 K.M. Laxmaiah S/o. K.M.Narsaiah
Patelnagar, Nampally Road,
Hyderabad.
9 Smt. Suseela Awasthi W/o. Ram Prasad
Patelnagar, Nampally Road,
Hyderabad.
10 Devi Singh S/o. Gokulsingh
Patelnagar, Nampally Road,
Hyderabad

..... PETITIONERS

AND

1 The Secretary, A.P. Wakf Board
Nampally Road, Hyderabad.
2 Government of Andhra Pradesh rep. by its Secretary, Revenue
Department Secretariat Buildings, Hyderabad.
3 Syed Sadiq Mohiuddin Qumisul Quadri, Mutavalli and Sajadha
Darga Hazrat, Hazi Nuroddin Shah Quadri,
5-5-203, Nampally, Hyderabad.

***** As per the Court orders dated 5.8.2004, the writ petition against the 3rd respondent is dismissed for default.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, an order or direction particularly one in the nature of Writ of Mandamus declaring that the Notification at Serial No. 1681 of the A.P. Gazette No.30-A published in Supplement to Part-II dated: 16-8-1984 is illegl, arbitrary, and violative of Articles 14, 21 and 300-A of the Constitution of India apart from being violative the principles of natural justice and pass.

Counsel for the Petitioners: MR.T.LAKSHMI NARAYANA

Counsel for the Respondent No.1 : MR. A.M. QURESHI

Counsel for the Respondent No.2 : G.P. For Revenue.

The Court made the following :

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 25626 of 1995

ORDER:

This writ petition is filed by the petitioners seeking a direction, in the nature of writ of mandamus, to declare the notification at serial No.1681 of the A.P. Gazette No.30-A published in Supplement to Part II Dated 16.8.1984 as illegal, arbitrary and violative of the Articles 14, 21 and 300-A of the Constitution of India.

The case of the petitioners is that the Government of A.P., Department of Revenue granted exemption from all the provisions of A.P. Vacant Lands in Urban Areas (Prohibition Alienation) Act, 1972 under G.O.Rt.No.1442 dated 14.6.1974, G.O.Rt.No.1696, dated 11.7.1974 in respect of the lands purchased by the petitioners in survey No.60/1, Peerbagh, Nampally Village, Hyderabad and that the respondent-officials came to their locality on 26.10.1995, threatened them and demanded them to vacate their properties, for which they have no manner of right and issued Gazette publication No.30-A, dated 16.8.1984 in Supplement to Part II, dated 16.8.1984, without conducting any enquiry under the Wakfs Act, 1954. Hence, the present writ petition.

The learned Counsel appearing on behalf of the writ petitioners contended that the 1st respondent without conducting any enquiry, issued notification impugned in respect of the lands in SurveyNo.60/1 and therefore, the same is declared to be null and void.

As can be seen from the record, it is apparent that originally, the lands in survey No.60/1 belonged to Abdul Raheem and Ghousuddin and they conveyed their lands to Mr. Ramakrishna, who in turn conveyed the same to Basalatullah. The petitioners purchased the lands in question from Basalatullah and his vendees and since then, they are enjoying their respective properties. It is further apparent that the A.P. Wakf Board filed suits against the lessee of Basalatullah and his vendees in respect of some part of the land in Survey No.60/1 seeking injunction and the same were ended in dismissal on the ground that the A.P. Wakf Board did not have any possession over the property as on the date of the suit and prior to the date of the suit. In appeal, this Court also concurred with the same findings and dismissed the same.

As the dispute in respect of the lands in the same survey number was decided against the A.P. Wakf Board, the same cannot be taken as a measure to resolve the present dispute between the writ petitioners and A.P. Wakf Board, in the absence of any evidence and pleadings as to correlation of the lands in question with the lands disputed in the original suits filed by others.

Moreover, the averments of the writ petition are purely Civil in nature and in this view of the matter, this Court cannot invoke its jurisdiction under Article 226 of the Constitution of India

Apart from that, the writ petitioners filed the present writ petition in the year 1995 questioning the Gazette notification issued in the year 1984 i.e., nearly after a lapse of 11 years. Having slept over all these years, the writ petitioners filed this petition without assigning any reasons with regard to delay in filing the writ petition. Therefore, I am of the view that this ground alone is sufficient to dismiss the present writ petition.

Accordingly, the writ petition is dismissed. No costs. However, the writ petitioners are at liberty to agitate their rights before the appropriate forum.

17th March, 2005

Nn.

Copies to:

1 The Secretary, A.P. Wakf Board
Nampally Road, Hyderabad.
2 The Secretary, Government of Andhra Pradesh, Revenue
Department Secretariat Buildings, Hyderabad.

3. Two C.Cs to the Government Pleader for revenue, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T)

4. Two C.D. copies.